THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9037 of 2002

Dated: 30.08.2006

Between
1.M.Aneeruddin & Co., rep., by its
Proprietor, Mohd Tajuddin and another.

…..Petitioners

and

1.The Person Incharge,
Agricultural Market Committee, Hyderabad
And another.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9037 of 2002

ORDER:

This writ petition is filed challenging the proceedings dated 26.4.2002 issued by the then person in-charge of the Agricultural Market Committee, Hyderabad wherein the proceedings of the Chairman dated 24.12.2001 which were given effect to on 5.4.2002 changing the name of the firm is sought to be cancelled on the ground that the cases relating to payment of rents are pending before the Supreme Court and High Court, as such, the Chairman ought not to have allowed to change the names of the firms.

Learned senior counsel Sri P.G.Naidu, appearing for the petitioners strenuously contended that neither the then person in-charge of the Agricultural Market Committee has any power to pass the impugned orders nor the reasons furnished therein have any relevance for the purpose of cancellation of changing the name of the firm vide proceedings dated 24.12.2001 and 5.4.2002. Further, no opportunity has been afforded by the then person in charge Agricultural Committee, Hyderabad before passing the impugned

proceedings.

I am in full agreement with the submission made by the learned counsel for the petitioner. The person in charge could not have passed such an order when there is no power vested with him and the reasons furnished by him for cancellation of the change of name are in any way relevant. Therefore, the impugned order is liable to be set aside. Accordingly, the order impugned is set aside. However, the petitioner is directed to give an undertaking to the Agricultural Market Committee that any liability attached in the name of old firm shall be undertaken by him and redeem after disposal of the cases purported to have been pending before this Court as well as before the Supreme Court, if necessary.

Subject to the above direction, the writ petition is allowed. No costs.

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30.08.2006

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